

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Naarl Richard,)	C/A No. 0:11-1192-JFA-PJG
)	
Petitioner,)	
)	
v.)	ORDER
)	
J. Al Cannon, Jr.,)	
)	
Respondent.)	
_____)	

Petitioner Naarl Richard, proceeding without assistance of counsel, seeks habeas corpus relief under 28 U.S.C. § 2241. He is a federal pretrial detainee with a pending criminal case before the Honorable Patrick Michael Duffy, United States District Judge for the District of South Carolina.¹ Specifically, petitioner challenges various rulings and events in his pending criminal case, CR No. 2:09-992-PMD.

The Magistrate Judge assigned to this action² has prepared a Report and Recommendation and opines that this action should be summarily dismissed because the claims presented are not exceptional and do not provide a basis for habeas corpus relief in advance of trial. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

¹ The criminal jury trial in the petitioner's case before Judge Duffy commenced on October 3, 2011.

² The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on July 20, 2011. Petitioner filed various objections to the Report all of which relate to the evidentiary rulings in his criminal case by Judge Duffy. The petitioner contends that due to the constitutional errors occurring in his criminal case, that his case does involve one of exceptional circumstances and should be heard by the court.

CONCLUSION

After a careful review of the record, the applicable law, the Report and Recommendation, and the petitioner's objections thereto, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this petition is dismissed without prejudice and without issuance and service of process. The Clerk is directed to forward a copy of this order to the Honorable Patrick Michael Duffy, United States District Judge.

IT IS SO ORDERED.

October 5, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge